

REMARKS

Claims 1-6, 12-14, 16, 18-21, 27-32, 36, 38-41 and 43 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Deal, published patent application US 2005/0044011 A1, in view of "www.Lowes.com", which was cited as disclosing a system for buying home improvement tools and services online, including providing instructions on performing home improvement projects including installing tile or stone with the phases involved. In response to the §103(a) rejection of Claims 1-6, 12-14, 16, 18-21, 27-32, 36, 38-41 and 43 over Deal in view of "www.Lowes.com", Applicants have submitted herewith a Declaration Under 37 CFR §1.131 which indicates that the system and method for selling products in a home improvement or commercial construction store, including an interactive display with a visual display for disseminating information in response to requests by a user, particularly regarding installing tile or stone, and wherein the information is coordinated with the grouping of the seller's products on the shelves of the store, as is recited in the claims, was conceived prior to August 22, 2003. Exhibit A to the Declaration is submitted as evidence of conception prior to August 22, 2003.

We have also attached to this response a copy of an email to the undersigned dated August 12, 2003 as Exhibit B, a copy of a letter dated November 17, 2003 as Exhibit C, and a copy of a letter dated December 29, 2003 as Exhibit D, as evidence of due diligence prior to August 22, 2003 and subsequently until filing of the present application. Thus, the Deal published patent application US 2005/0044011 A1 is thereby made unavailable as prior art under 35 U.S.C. §102(e). Accordingly, it is believed that the § 103(a) rejection of the claims is thereby traversed. It is therefore respectfully submitted that Claims 1-6, 12-14, 16, 18-21, 27-32, 36, 38-41 and 43 are novel and inventive over Deal and "www.Lowes.com", and that

the rejection of Claims 1-6, 12-14, 16, 18-21, 27-32, 36, 38-41 and 43 on the grounds of obviousness from Deal, published patent application US 2005/0044011 A1, in view of "www.Lowes.com" should be withdrawn.

Claims 7, 8, 15, 22 and 37 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Deal in view of "www.Lowes.com" and further in view of Gupta et al., which was cited as disclosing a system and method for graphically locating merchandise comprising in part an interactive display that provides a selection of language, and that disseminates both video and text information. It is respectfully submitted that in view of the attached Declaration Under 37 CFR §1.131 and exhibits, the Deal published patent application US 2005/0044011 A1 is unavailable as prior art under 35 U.S.C. §102(e). Accordingly, it is believed that the § 103(a) rejection of the claims is thereby traversed. It is thus respectfully submitted that Claims 7, 8, 15, 22 and 37 are novel and inventive over Deal, "www.Lowes.com" and Gupta et al., and that the rejection of Claims 7, 8, 15, 22 and 37 on the grounds of obviousness from Deal in view of "www.Lowes.com" and further in view of Gupta et al. should be withdrawn.

Claims 9-11 and 33-35 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Deal in view of "www.Lowes.com" and further in view of Heisler et al., which was cited as disclosing a method and system for complete design and identification of materials and tools for home improvement projects, including disseminating descriptions of tools and products available from the seller for use in specific phases of a project and instructional presentations regarding how to perform a specific phase of the project. It is respectfully submitted that in view of the attached Declaration Under 37 CFR §1.131 and exhibits, the Deal published patent application US 2005/0044011 A1 is unavailable as prior


art under 35 U.S.C. §102(e). Accordingly, it is believed that the § 103(a) rejection of the claims is thereby traversed. It is respectfully submitted that Claims 9-11 and 33-35 are novel and inventive over Deal, "www.Lowes.com" and Heisler et al., and that the rejection of Claims 9-11 and 33-35 on the grounds of obviousness from Deal in view of "www.Lowes.com" and further in view of Heisler et al. should be withdrawn.

Claims 23, 25, 26, and 44-46 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Deal in view of "www.Lowes.com", and further in view of Gupta et al. and further in view of Heisler et al. It is respectfully submitted that in view of the attached Declaration Under 37 CFR §1.131 and exhibits, the Deal published patent application US 2005/0044011 A1 is unavailable as prior art under 35 U.S.C. §102(e). Accordingly, it is believed that the § 103(a) rejection of the claims is thereby traversed. It is respectfully submitted that Claims 23, 25, 26, and 44-46 are novel and inventive over Deal, "www.Lowes.com," Gupta et al., and Heisler et al., and that the rejection of Claims 23, 25, 26, and 44-46 on the grounds of obviousness from obviousness from Deal in view of "www.Lowes.com", and further in view of Gupta et al. and further in view of Heisler et al. should be withdrawn.

In light of the attached Declaration Under 37 CFR §1.131 and exhibits, and the foregoing remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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DGP/rvw

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Declaration Under 37 CFR §1.131

Exhibits A, B, C and D

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